

REMARKS/ARGUMENTS***Status of Claims***

Claims 7, 9, and 10 are currently amended.

Claim 8 is canceled.

Claims 1-6, and 11-15 were previously canceled.

As such, claims 7, 9, and 10 are currently pending in this application.

Applicant hereby requests further examination and reconsideration of the presently claimed application.

Claim Rejections – 35 U.S.C. § 102

Claims 7-10 stand rejected under § 102(b) as anticipated by *Deaton* (U.S. Patent No. 5,649,114). According to MPEP § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Claim 7 has been amended to recite subject matter that is not disclosed by *Deaton*.

Specifically, amended claim 7 reads:

7. (Currently Amended) A method of improving customer loyalty via **real time** generation and provision **to a customer** of a customer incentive report remote from a point of sale, said method comprising:

utilizing a computer to execute a plurality of steps, the steps comprising:

selecting a product information related to a product;

storing a purchase information related to the purchase of the product by a customer;

storing a customer information related to the customer, the customer information associating the customer with the purchase;

storing a promotion information related to a promotion of the product, the promotion being independent of the customer information,

wherein the promotion information includes both current and future promotional incentives;

determining an intersection of the promotion information, the purchase information, and the customer information and storing the intersection in a database as the customer incentive report;

wherein the database comprises a first table containing the product information, a second table comprising the purchase information, and a third table comprising the promotion information and a reference to a row of at least one other table in the database; and,

following the determining step:

fashioning the second table responsive to an item identifier attribute of the first table; and

picking at least one row from the first table or the second table; and,

receiving an identifier comprising at least a portion of the first table; and

fashioning the third table with the identifier.

Support for the amending language can be found in the specification. *See* Application at 7, lines 18-25 (“[W]henever the customer goes shopping, he or she may go to one of the kiosks before beginning shopping and presents the card 22 to the customer interface 28. The store level computer 12 includes means for accessing information about the special offers available to the customer associated with the card, and generates a customized list of special offers available to that particular customer. More particularly, the computer 12 determines what special offers are available to this customer, and sends a list of special offers to the offer communicator 32. The customer then has a shopping list of special offers to use while shopping”).

Argument

Reserving all previous arguments, in this response Applicant asserts that *Deaton* does not teach the “*real time* generation and provision to a customer of a customer incentive report remote from a point of sale.” *See supra* at 2, amended claim 7.

As explained by the Court of Appeals for the Federal Circuit: “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *Deaton* is silent with regard to the instant application’s “*real time* generation and provision to a customer of a customer incentive report remote from a point of sale.”

Deaton’s teachings regarding its provision of coupons are limited in two ways that prevent *Deaton* from anticipating currently amended claim 7. First, *Deaton* teaches that its coupons are provided at the point-of-sale, not at a location remote from the point-of-sale. *See Deaton* at ABSTRACT; *see also* Figures 17-45B (all figures are directed to the point of sale); col. 70, lines 30-31; col. 73, lines 55-60 (“FIGS. 19-45A-B illustrate various apparatus and program flow diagrams of a system which not only performs automatic payment processing of a customer’s payment at the POS but also generates automatic targeted marketing to the customer at the POS”). Thus, in its preferred embodiment, *Deaton* cannot anticipate amended claim 7’s element concerning the provision of “a customer incentive report remote from a point of sale.” *See supra* at 2, amended claim 7.

Second, while *Deaton* includes a limited discussion regarding generating coupons to be mailed to customers that arguably could be read as the “provision to a customer of a customer incentive report remote from a point of sale,” this liberal reading is not enough to anticipate

amended claim 7. *See Deaton* at col. 58, line 42 – col. 70, line 28. *Deaton*'s disclosure regarding the mailing of coupons does not anticipate amended claim 7 because *Deaton*'s disclosure regarding the mailing coupons, on its face, precludes the “*real time* generation and provision to a customer of a customer incentive report.” *See supra* at 2, amended claim 7. Because *Deaton* teaches that its coupons are to be mailed, the coupons cannot be provided to the customer in real time upon generation. *See, e.g., Deaton* at col. 63, lines 38-39 (“the store can then mail out direct mail enticements to the customer”); and col. 65, lines 22-24 (“coupons or other enticements can be mailed directly to customers”).

Because amended claim 7 is not anticipated by *Deaton*, it is in allowable form. Additionally, because claims 9 and 10 are dependent on amended claim 7, claims 9 and 10 are also allowable.

CONCLUSION

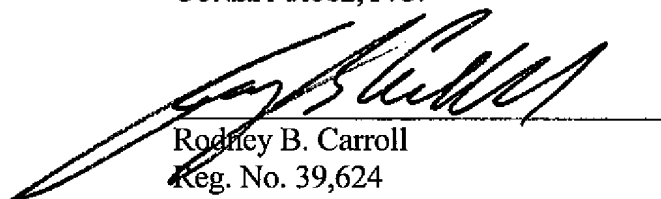
Consideration of the foregoing remarks, reconsideration of the application, and withdrawal of the rejections and objections is respectfully requested by Applicant. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Final Office Action dated July 13, 2007 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 50-1515 of Conley Rose, P.C., Texas. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,

CONLEY ROSE, P.C.

Date: 9-7-07


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